



consumer news

DEPARTMENT OF HEALTH, EDUCATION & WELFARE
Office of Consumer Affairs
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Vol. 4, No. 6, June 15, 1974

Supreme Court decision on class actions

As result of a unanimous Supreme Court decision, consumers will find it more difficult & more expensive to bring class action law suits. In a class action, suit can be brought by 1 or more persons (plaintiffs) on behalf of an entire group or class of persons who have the same basic complaint.

In its decision, the court determined that plaintiffs in class action suits must notify—at plaintiffs' expense—all members of the class who can be identified "with reasonable effort," such as through use of a mailing list.

The court's reasoning was that under present Federal rules of procedure for class action suits, it is a fundamental requirement that all "identifiable victims" must be notified individually. Notification could be costly, since a class action may involve millions of persons—for instance, everyone who bought a particular unsafe or defective product or all owners of property damaged by a factory's industrial pollution. Notifying all identifiable parties in the class makes it possible for affected persons to join the class action case actively with their own attorneys or to remove themselves from the case if they prefer not to be bound by the suit's final decision.

Class action suits have made it possible for persons with small individual claims to join forces & to go to court in a situation where a single person's claim would be so small that it would not cover the costs of the suit. Such suits have been used in recent years in cases involving consumer, environmental, civil rights & antitrust issues.

Warnings!

• **MOTORHOMES**—National Highway Traffic Safety Administration (NHTSA) warns consumers about reported fire hazards in 2 recreational motorhomes—the 1971 "Grand Lodge" & "Commercial" models manufactured by Avco Corp. Both models may present a risk of gas fumes exploding during routine refueling. Avco has been notifying some owners that it will install a seal-

ant or fumes barrier in these models to prevent the intrusion of explosive gas vapors. However, NHTSA tests showed dangerous fume intrusion in some vehicles during refueling even after fumes barriers and sealants had been installed. NHTSA advises owners and passengers always to take the following precautions during refueling: (1) turn off electrical system, generator & engine; (2) eliminate every source of spark or flame, such as air conditioners, accessories, or cigarettes &

lighters; (3) thoroughly ventilate motorhome interior since fumes may remain for several minutes after refueling; (4) return to normal operation only after all fuel odors have disappeared. Owners who have noticed strong fuel odors during refueling—or who have experienced fire or explosion—should report to Office of Consumer Services (N40-41), NHTSA, Washington, DC 20590. NHTSA also advises owners to contact their Avco dealer & insist on proper installation of sealant & fumes barrier.

• **PESTICIDES**—Environmental Protection Agency (EPA) has banned the distribution & sale of 6 more indoor pesticide aerosols containing vinyl chloride as a propellant. The gas has been linked to a form of liver cancer [See CONSUMER REGISTER, May 15]. The banned products are: Household Flea Killer; Clipper Mate; Clipper Lube Spray distributed by Valley Veterinary Supply;

Clipper Lube Spray distributed by Hanover Dry Products Co.; Fogging Dispenser; Research FLT Bomb. Consumers are advised to dispose of these products by wrapping each can separately in newspaper & placing it in regular trash collection.

EPA also notes that 13 outdoor pesticides have been identified as containing vinyl chloride. EPA has no evidence that using these outdoor sprays constitutes a health hazard, since the spray is rapidly dissipated in outdoor use. However, at EPA's request, manufacturers are now substituting other propellants for the vinyl

chloride in these sprays. The 13 products are: Ronnell Animal Spray Wound Treatment; SW Aero; Ronnell Screw Worm Bomb; Spray-Chem Wasp & Hornet Spray; Spray-Chem Ant & Roach Killer Contains Baygon; Flea & Tick Spray with 2.5% Baygon; Specialty 1806 Outdrive Anti-Fouling Black; Acme Fogger; Patterson's Green-up Borer Killer; Borgo Borer Killer; Interlux Outboard Outdrive Anti-fouling Paint White 268; Interlux Outboard Outdrive Antifouling Paint Black 267; Colored Blue Screw Worm Bomb.

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Summer energy savings

It's summer—peak season for demands on gasoline & electricity. Is it wise to plan on driving to the mountains or the beach? Can you safely run your air conditioners when it's hot, hot, hot? Yes to both questions, according to **Federal Energy Office (FEO)**—if consumers continue to follow sensible rules for energy conservation.



Gas for travel if . . .

FEO predicts there should be enough gasoline to make it through the summer without shortages if you & your friends

- Join carpool, plan to drive less, walk & bike more.
- Practice energy-efficient driving if you do drive, accelerate slowly, drive at a steady pace (not over 55 m.p.h.) & minimize braking.
- Keep your cars in prime condition, have tune-ups twice a year, check tire pressure regularly, remove from car unnecessary weight such as snow chains for tires.

FEO's gas forecast is seconded by American Automobile Association (AAA) which conducts a weekly survey of service stations around the country. For this summer, AAA reports that drivers should be finding it easier to get gas because more & more stations are pumping on Sundays, Saturday nights & weekday evenings. According to a recent AAA survey, most stations on major highways & turnpikes are now open 7 days a week with stations on 17 main roadways operating 24 hours daily. These roadways are: (1) turnpikes in Connecticut, Delaware, Florida, Kansas, Massachusetts, New Jersey, Ohio, Oklahoma, Pennsylvania & West Virginia; (2) Garden State Parkway in New Jersey & Kentucky Parkway; (3) Indiana & Maine Toll Roads; (4) JFK Memorial Highway in Delaware; (5) Illinois Tollway; (6) New York State Thruway. Survey also reports that most states have done away with odd-even rationing plans & most service stations no longer limit purchases.



No brownouts if . . .

Since hot weather calls for air conditioning, summertime marks the highest demand for electricity in many areas. The strain on the nation's electricity supply could result in brownouts & blackouts unless everyone uses caution.

Remember, blackouts & brownouts were a fact of summer life even before the present energy shortage. However, electricity conservation is even more important this summer than in the past. Help avoid overloads on the electricity in your area & save energy by

- Running air conditioners only on hot, humid days & when house is occupied.
- Setting air conditioner thermostats at 78-80 degrees.
- Taking advantage of cool, low-humidity days & nights by turning off air conditioners & opening windows.
- Using heat-generating appliances—dishwashers, clothes washers & dryers, irons—in the cooler early morning or late evening hours.
- Turning off as many lights as possible.

EPA's pesticide program

As followup to a **General Accounting Office (GAO)** report urging improvements in **Environmental Protection Agency's (EPA)** pesticide program, EPA has instituted a number of changes. EPA is responsible for determining that all pesticides on the market meet the requirements of Federal legislation. GAO is the investigative arm of Congress.

After studying EPA policies & methods for testing pesticides, GAO suggested various improvements, which EPA has already put into effect. These include:

- Devising a more effective sampling program to cover more of the pesticides on the market, including imports;
- Expanding EPA staff & facilities to develop a more thorough testing program;
- Notifying manufacturers whose products are rated deficient & asking them to recall lots when EPA tests show that samples are ineffective;
- Working with states to improve overall sampling & testing of pesticides.

